The Chicago Tribune.

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WASHINGTON.

Bill Discontinuing the Freedmen's Bureau Passed in the House.

Progress Made on the Tariff Bill.

A Joint Resolution for the Admission of San Domingo.

Memorial Services in Honor of the Late General Thomas.

Special Despatch to The Chicago Tribune.

FREEDMEN'S BUREAU.

WASHINGTON, April 5.—The bill discontinuing the Freedmen's Bureau was put through the House to-day by yeas, 106; nays, 41. The bounty and hospital work is transferred to the War Department, and the educational work to the Bureau of Education in the Interior Department. All the funds now remaining in the Treasury to the credit of the Freedmen's Bureau, and all property devoted to the Commissioner for its benefit, are also transferred to the Bureau of Education. The bill provides further that all buildings constructed or repaired, in whole or in part by the Freedmen's Bureau, and now held by the municipal or State authorities, societies, corporate bodies or trustees for educational purposes, or funds arising from their rental or sale, shall be applied to and used for such purposes; and said bodies and institutions must report yearly to the Bureau of Education. General Howard's time for three months to fulfil his legal obligations and contracts, and settle his accounts at the Treasury. The only disagreement among the friends of the bill was over the clause relative to the future use of what money remains to his credit. Some wanted it to go into another bureau for educational purposes generally; but the majority desired that it must be kept for the Freedmen and refugees, in accordance with the original intention of the acts by which it was appropriated. These views seemed to open to all the inducements of learning among the colored people; but a large majority decided that it shall be used in promoting the education and usefulness of the common schools alone, so that none of it can hereafter go to colleges, seminaries, etc. The pending amendment in this decision is about the only one of importance that has been offered. The point involved in this decision is about the only one on which there was any contest, and the vote was almost a party one. The Democrats voted solidly against the bill, and the Republicans generally for it. The Democrats claim that the Republicans have made a party issue of it, and that it is not a non-partisan measure. The majority in favor of the bill is 65. The passage was hailed with applause by the Republicans on the floor and in the galleries.

TARIFF BILL.

The Tariff bill, with three-days' debate, has progressed to the consideration of section 4 and a half of its three pages, and now raises on sugar, molasses, and spices, have been settled. The slight rates on 50 per cent. ad valorem articles, and above No. 20 Dutch standard in color, five cents, and above No. 20 Dutch standard in color, five cents, and twenty-four cents on raisins. The chief difference between the two Committees is that the Ways and Means Committee wanted to make three cents; but, at the end of a long debate, they agreed to four cents. The bill as it now stands has a small majority at two and a half cents. Spices and molasses remain as fixed by the committee, and the schedule will be reached, when next in order.

BUTLER'S INQUISITION.

Butler took his inquisition into a back, passageway, and, with a short-hand writer and a citizen as guide, stated off under strict injunctions of secrecy. It appears that a sick man in the hospital, or rather sanitarium, is the worst that he knows of a beap about Cuba. The committee gathered around the bed, and Butler began, but soon ascertained that he had been badly sold.

HOWE.

The Chronicle this morning, in an exceedingly scurrilous editorial, denies the late paragraph in these despatches, to the effect that Major Bowen had the impudence to ask the President to interfere in behalf of citizens holding places under the government to support Bowen for Mayor. Not only the horse is dead, but just went further, and the Chronicle says that mere advertising patronage be given the Chronicle, as it was on its last legs, or words to that effect.

THE THOMAS MEMORIAL SERVICES.

The exercises in the Hall of Representatives this evening, in memory of General Thomas were to fall second with the occasion. All the departments of the government were represented by their chief men, and by no distinction of party, the most prominent Democrats of the House and Senate being in attendance. The seats fronted the platform, like the man who was the subject of them. Nothing seemed done or said, but both speakers and audience felt the heart. The building was filled to overflowing, and Washington can find no room for more.

Washington can find no room for more.

The following, from Governor Campbell, has been received by Commissioner Parker:

"The coach, with Parmenter Alcott, has arrived at South Pass and will leave for Camp Brown this forenoon, the Sioux. General Augur has sent a company of cavalry to the Sweet Water.

The House Committee on Territories will, on Thursday, consider the bill for the admission of New Mexico as a State in the Union, according to the provisions of the Enabling Act already passed.

JUDGE BRADLEY.

Judge Bradley, of the Supreme Court, will leave for New Orleans the 1st of May, for the purpose of hearing such causes as may come up before him.

DOMESTIC SUGARS FOR FRANCE.

The Paris Moniteur announces that the decree fixing the amount of domestic sugars for French consumption at 100,000,000 kilogrammes has been withdrawn, in advance of proceedings in Congress.

THE RECONSTRUCTION COMMITTEE.

The Reconstruction Committee this morning transacted no business. Some members think it will not consider the General Amnesty bill. Governor Patterson, of Tennessee, is here, and will be examined by ill health.

AMNESTY AND CONSCIENCE.

Commissioner Delano has received a letter declining military service on the ground of both conscientious scruples and his duty to abide by the Constitution of the Second Ohio District, and wishes to return.

THE SAN DOMINGO BILL.

The Senate this afternoon confirmed the nomination of Mr. Hitchcock to be Minister Resident to the District of California, and Michael Vidal, of Louisiana, Consul at Trinidad.

THE FAMILY—PRICE HOWARD DEAD.

The Ways and Means Committee to-day considered some further amendments to the Tariff bill to-day, but arrived at no conclusion. The committee decided, the tariff upon woolly suitings now fixed at 10 cents per pound, and 40 per cent. ad valorem, and before the committee and made arguments in favor of an increase of reciprocity with Prince Edward's Island.

TREASURY.

Judge Lee, of Nashville, was examined by the Reconstruction Committee to-day and ended all the testimony in this decision about the only one of importance. It was that a stock man in the hospital, or rather sanitarium, and he was worst that he knew

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WEDNESDAY, APRIL 6, 1870.

THE WAREHOUSE QUESTION.

The Constitutional Convention will resume its session on Tuesday next, and one of the most important practical subjects before it will be that reported by the Committee on Miscellaneous Corporations relative to warehouses—commonly known as Mr. Farwell's article. One of the principal features in that report, our readers will remember, is the provision of the ordinance of holding the railroads to the performance of their duty as common carriers, and the warehouses to their duties as warehousemen, and we do not suppose that any one will be disposed to express disapproval of it. In the belief that many members of the convention may have approved it in like manner, we feel bound to state the views to which a more careful study of the previous course of legislation and of judicial decisions on the warehouse question has brought us.

It has been found by those who have attempted to force the railroads and warehouses to perform their legal duties that the Warehouse act of 1867, passed with intent to aid them in this work, has proved void of a large measure of its help. The courts themselves have been frequently obliged to exceed, if not to override this act, in order to administer the full measure of relief afforded by the common law. In some instances the act prescribed a penalty for the non-performance of a duty which, doubtless, seemed to the Legislature severe. But, in practice, the railroads or warehouses were found to be willing to pay the penalty for the privilege and profits of violating it, and it was necessary to wrest from the penalty to the more adequate remedy at common law, or in equity proceedings, which compelled them to perform their duty by a *mandamus*, an injunction, or exemplary damages. Wherever the act did not repeal and thwart the common law, it generally merely re-enacted it, and so far was useless. Indeed, such acts are often passed without any attempt to obtain the same remedy through the courts, on the assumption that it is cheaper to get an act of the Legislature than to contend in a lawsuit with an elevator or a railroad company. But those who so assume forget that their act, when passed, can only be enforced by a lawsuit. Since, in this respect, an act of the Legislature or provision of the constitution has no advantages over the common law. It is quite important, before attempting any legislation in either mode, to know certainly whether the common law affords a remedy. If it does, the remedy is sure to be found, if enforced, and is far more likely to be curtailed than aided by legislative interference. On the other hand, an act of the Legislature, or clause of the constitution, unexplained by any judicial having the pluck and means to stand always by it under all circumstances, is a dead letter.

We have already said that the two points most vital to the protection of shippers, consignees, and grain owners are:

First. That railroads shall be, as common carriers, be compelled to receive and carry grain, in bulk, to weigh it and receipt for it according to its weight when received, and to deliver the same weight to the consignee or the track at his ready to receive it at that distance, or at any nearer connecting with the track, be capable of being connected with the track of the railroad company by a switch; and, especially, that all shippers and consignees be treated alike. If one shipper or consignee is allowed to have the weight and a duly authorized receipt for it at the time of shipment, and another not the same privilege. If one consignee is permitted to connect his elevator with the company's track by a switch, their duty as common carriers should require the permit all other elevators similarly situated to connect with their track in the same manner. Whatever acts or things are essential to carry out the principle of treating all for whom they carry on terms of equality, can be enforced at common law as part of the duty of railroad companies as carriers.

The questions are now under argument and advisement before the Supreme Court, whether railroads are obliged to carry grain in bulk, or whether they have the power to require the shipper to put it in sacks; whether they are obliged to deliver the grain at any elevator to which their cars can be switched, for delivery, and whether they can be compelled so to carry grain in bulk, and so to deliver it, by *mandamus*. The recent practice has already decided these in the affirmative in the case of Vincent *et al. vs.* the Chicago & Alton Railroad Company.

The point that now stands most in need of being cleared up is, that a railroad company which has granted one consignee an elevator to connect with its track by a switch, may be compelled by *mandamus* to permit any others similarly situated to connect in like manner. We believe that, under the common law, the courts will so compel them. They have already held that a road is bound to deliver into any elevator that stands connected with their track by a switch. But the broad principle on which this is held is that they are bound as common carriers to treat all consignees alike. Under this principle the courts would be equally bound to hold that, if a company permitted one elevator to connect by a switch, it must permit all who desire to do so.

If these points are decided for the grain owners, legislation on their behalf is needless. If decided against them, such legislation would be in violation of the vested rights of the companies as common carriers. For they have a vested right by charter to all the rights of common carriers, whatever the courts hold them to be, and if it is one of their vested rights as common carriers to refuse to carry grain in bulk, neither an act of the Legislature nor a constitutional provision can compel them to do so. In any event, therefore, the whole question rests with the courts, and a session of three months will show what the law is, it is pretty certain to decide what changes in the law are needed.

It may prove that none are needed.

Second. It is equally necessary that, should the action already taken by the Legislature, or decided by the courts, not compel the railroads to do the same thing for all who continue to ship or receive grain, and that their representatives on the Board of Trade, both of itself and of bins; to state daily the amounts of grain received, in store, and shipped by them, and to act in all respects as servants and trustees of grain and not as speculators in it; all amount of grain receipts to be countersigned by the Board of Trade or other public authority, and all issues in excess of the amount actually in store to be punished as forgery. That some legislation is necessary in behalf of the grain owners, as against the cupidity and corruption of every Legislature, are fully appreciated. But there are some things in the proposed constitutional provision which are more to be feared than the action of the Legislature. It becomes less easily repealable. For instance, it provides:

All elevators or storehouses where grain is stored in which it is stored for a compensation, whether they be public or private, are hereby declared to be public warehouses.

Heretofore there have been two systems of warehousing, private and public. Private is defined by the act of 1867 as that wherein the grain of each owner is kept separate; and public as that in which the grains of various owners are mixed. Of course, the meaning of the term "public warehouse," in the constitution, will be construed according to the definitions previously given in the statutes. If this be true, then the effect of the above constitutional provision would be to forbid and make illegal all warehousing in which the grains of various owners are kept distinct. This is a provision clearly in the interest of the public, and there is room for considerable doubt if all the grade and inspection laws would not be void under it. Even now owners may by special assertion secure the special deposit of grain that is above the regular grades, so as to avoid the loss which would arise from throwing it in with the grade. The City amendment would prevent this. The clause providing for weekly statements of receipts, shipments, and stocks on hand; for inspection by the Board of Trade, or Boards and bins, and for connection between the railroads and elevators, look like fine things, read well, and may prove useful. But the utmost care should be exercised to keep out of the constitution clauses which only embarrass the courts by re-enacting the common law in such a way as to weaken, by reduction to detail its execution.

THE EX-SHERIFF.

The Circuit Court of this county is at present stopped in the trial of the question whether we have a Sheriff or not. Sheriff Fischer was elected in November, 1868, to serve two years. On the 10th of December, 1869, he departed, taking with him one of his children, and has been gone in those parts no more. The testimony shows, incidentally, how evil communications corrupt good manners, and uncovers some painful domestic trials. It appears that in the winter or early spring of 1869, while the Legislature was in session, and while Fischer was helping that body to mature and pass its measures, he became enamored of a disreputable woman named Walpole. As a natural consequence he became heavily in debt, and, to vents full he had spent all he had, and was compelled to borrow of his deputies, and to use funds in his hands belonging to litigants. After frequent, and unexplained absences from the city, early in December last he borrowed from his friends their notes to a large amount, and, having had these cashed, departed, taking the woman Walpole with him.

The testimony of Mr. Hesing shows how completely Fischer was under the control of the woman. He testified that Fischer told him that on one occasion, while he and she were at the Adams House, the woman turned on the gas in the room for the purpose of suffocating him and herself too. Fortunately Fischer awoke while he had strength enough to raise a window, and in time, by the use of restoratives, he managed to save the woman, this act of humanity, he said, being dictated by a desire to avoid exposure. On another occasion, according to the testimony of the latter, tried to poison him, and a third time she, or some other evil-disposed person, tried to shoot him. The power of the woman was shown still more forcibly in the way she drew him from the support of the political friends. Mr. Hesing dwelt on this point with force:

Sometime after, when the campaign opened here in Chicago, I expected to get some help from Fischer. I thought I was going to be a politician. I missed him. He had not come to the committee-room, he had not come to my house or to my office, and was out of town. I learned from Mrs. Fischer that he had gone to Cincinnati. I then sent one of the assistant marshals, whom I had at my office, to the Burnet House, where I had understood he was stopping, to find him and bring him to me. He came to my office, and I said, 'What is the matter with you, Fischer? Here we are in the midst of a campaign, and you are not here to help us.' He said, 'Why, I said, 'A woman.' That was my impression, and I thought it was a lady; but I may be mistaken, since that I have arrested him, I never since met him here in my office, and never went to his office or house."

Mr. Hesing added that when Fischer returned a despatch-telling him of the death of his family from Europe, he came to Hesing and said the woman would not let him have his clothes; that he asked Hesing to go and get his clothes for him, and that the latter refused.

Lastly, one of the bailiffs, testified that for several weeks, when it was supposed Fischer was in Cincinnati, he was living on Twenty-second street with the woman Walpole. Before he left the city he got Sailor Polk, one of those he favored by giving him a note for $2,000. Two days after he got another note for the woman and a pony saddle-mare to the value of $300, and, having had a horse and carriage and the other loan at New Orleans on the 24th. This is all that is known of him save a vague report that he was seen in Galveston, Texas. Starting for the new world with a wife and children, creditors and debtors all pursuing him, he left behind him his creditors and bondsmen and a family that they would concede to the wife $2,500 and a home, and that the rest of the property—and the fees of the office for the re-election of the term should be applied to paying off the debts. The debts amount to $94,000, and the assets, including the fees, to $85,000. But this arrangement is in process of breaking up by the interposition of the Coroner, who claims the office as the legal successor of the Sheriff. He had also a writ of replevin. The afflicted family will have the sympathy of the public, whether the arrangement with the creditors be broken up or not. The anguish of the wife and mother must be painful in the extreme, and any attempt to deprive her of the little boy, will be a great relief to her.

The same case is up in the Recorder's Court, upon a writ of *habeas corpus*, sued out by a prisoner, who claims that Jailer Polk is legally entitled to hold him. The evidence in both cases is the same. The legal questions involved in both cases are substantially the same, and their decision will be looked for with interest.

NEGROES AT THE POLLS.

On Monday the new-made citizens of African birth, exercised, for the first time, their right to vote. They voted in all the city elections in Ohio, Michigan, Illinois, Minnesota, Wisconsin, and Iowa. The god of day, after shining upon this exhibition of "negro equality," went down as usual, and neither earthquakes nor tornadoes followed. We have heard of nobody being "degraded" by the voting of negroes, nor by the telegraph tell us of any marriages engagements between whites and blacks as a consequence of negroes visiting the polls. The Democracy do not appear to have absented themselves from the ballot-box because of the necessary association with the negro; on the contrary, in many places they were zealous—in their attendance to them, and in one or two places divided the African vote with the Republicans.

The colored voters seem to have used an intelligent and discriminating use of their newly acquired privilege. They were neither bulldozed nor extravagant in their exultation nor ostentatious exhibition of their power, but voted quietly, conscientiously, and with judgment, just as if they had been voters all their lives. To their credit be it said, they were not corrupted by a class. They voted, each one for himself, and not under the direction of any party leader. If mistakes were made they voted, whether for one party or the other, so they voted for what they believed to be right. This is a natural consequence of the long and bitter fight, the great majority of them voted the Republican ticket, but there were honorable exceptions. These now are new citizens, and as new citizens, and as such are dependent upon their fellow-citizens for their political welfare. They feel in a peculiar manner the hardship of taxation—especially of that nature which increases the cost of living. Their votes hereafter, may be influenced by this as well as other considerations, and, having acquired the right with their fellow-citizens of all parties, they will naturally be guided by the best lights they can obtain, and will vote for other people for those measures which they think will tend to advance their own interests. The grand event has taken place, in anticipation of years by Democratic friends have shed so many unavailing tears, and uttered so many direful predictions. The negro has finally voted at the same polls with the white man, and there has been no convulsion of nature, no riot at the polls, no war, no pestilence, and no famine.

The Senate spent a portion of yesterday in a fruitless debate on the question which State was first to respond to the President's call for volunteers after the firing on Sumter. The only way in which the answer could be of importance would be as showing which State had the best organized militia system. Massachusetts, New York, and Pennsylvania had such a few regiments of men already uniformed, drilled and equipped, and in their militia, and these were not kept distinct. This is a question clearly in the interest of Massachusetts itself, we believe, unless all reports have been greatly misrepresented since 1861; and it is questioned by many if it is not yet a State of readiness. At the same time, the Massachusetts militia system has been of great benefit to the State, and has been the first to respond to the President's call in every war in which the country has been engaged. Should the system be allowed to decay, it would be a misfortune to the State. It has always been the first to send troops to the front, and it was always to its credit that it was the first to send troops to the front, and it was always to its credit that it was the first to send troops to the front, and it was always to its credit that it was

AMUSEMENTS.
ACKER'S THEATRE.
...Sole Lessee and Manager
LITTLE EMMY.
...Our Cousin German,...
...Monday Evening, Dickens' Play...
DEARBORN THEATRE.
...Proprietor and Manager
HERNING'S MINSTRELS.
...Every Day exhibited in Chicago...
ROBERT MAKE-A-JIG.
...Original...
ANDY McKEE.
...Original Acrobat of...
CROSBY'S OPERA HOUSE.
...Monday Evening...
PROFESSOR E. M. BOOTH
...Monday Evening, Dickens' Play...
AUCTION SALES.
By WM. A. BUTTERS & CO.
GLASS WARE, FRENCH CHINA,
Table Cutlery, Pocket Cutlery,
Hardware, Plated-ware, &c.,
AT AUCTION,
By WM. A. BUTTERS & CO.,
...Wednesday, April 6, at 9½ o'clock,
TRADE SALE
OF
DRY GOODS,
READY-MADE CLOTHING,
A DESIRABLE LINE OF
All-Wool Cloths, Cassimeres, Ladies' Skirts and
Balmoral, Bodies, Brown and White Re-
Blankets, Scotched Prints, Flannels,
Hosiery, Shirts, Drawers, Gloves,
Hoods, Skirts, Dress Goods,
Ribbons, Jeans, &c.,
AT AUCTION,
BY WM. A. BUTTERS & CO.,
...THURSDAY, APRIL 7, 1870,
ENTIRE STOCK
OF A
Wholesale Clothing House,
AT AUCTION,
By WM. A. BUTTERS & CO.,
On TUESDAY, APRIL 12, 1870,
DEARBORN THEATRE.
Proprietor and Manager
Monday Evening, Dickens' Play
CROSBY'S OPERA HOUSE.
Monday Evening
PROFESSOR E. M. BOOTH
Monday Evening, Dickens' Play

BOARD OF EDUCATION.

A New School Ordered in the Dearborn District.

Defective Plans and Dangerous Roofs.

Estimates for 1870--$607,396 Wanted to Run the Machine.

Change of Text-Books.

A regular meeting of the Board of Education was held last night, President in the chair. Present, Inspectors Runyan, Carter, Seaverns, Holden, Hunnicutt, Stoeckfer, J. S. Briggs, Bonfield, Kiss, Wermuth, Moore, Webb, Clark, Tuthy, Healy, and Nelson.

NOTES TO THE BOARD.

Inspector Runyan, from the Committee on Buildings and Ground, submitted a report recommending that the rooms now occupied by the board be leased for another year at $1,200 per month.

The report was concurred in--yeas, 14; nays, 1.

DRAWING SCHOOL MISSING.

On motion of Inspector Bonfield, the report of communication on the question of a new building for the Drawing School was taken up.

Inspector Runyan moved the report recommending that the Board erect a new building, be adopted.

Inspector Carter desired to be amend the report that the lower floor of the building in question be used for the purpose of a supper for school purposes, rooms of the board, &c.

Inspector Bonfield thought for himself quite early opposed to any such plan. Such stores would be a nuisance and annoyance to the school-rooms. He considered such a device as that suggested by Inspector Clark brought the question came up at the beginning of the year. He was then told that authority for him to favor any more of the nature in-

Inspector Clark thought the question came up at the beginning of the year. He was then told that authority for him to favor any more of the nature in-

Inspector Clark thought the question came up at the beginning of the year. He was then told that the better to build a building for the Drawing School in the board. Let them occupy their present rooms. He was very glad to see the improvements which he did not think could enlarge their rooms, whatever to the saving for the whole, he saw nothing to be gained by interfering with its' local purposes.

The report was adopted--yeas, 12; nays, 4, as follows:

Yeas--Inspectors Carter, Kiss, Bonfield, Tuthy, Webb, Briggs, Moore, Runyan, Seaverns, Healy, Hunnicutt, Wermuth, Clark--12.

Nays--Inspectors Holden, Nelson, Stoeckfer, Clark--4.

KENZIE DISTRICT.

On motion of Inspector Bonfield, a previous report of the same committee, recommending the establishment of a new district between Indiana and Illinois, calling for $6,000, for a school in the Kinzie District, was taken up.

A communication was read from Mr. Foosnick, the owner of the property, as to the quality of the building which he was standing brake, and he was prepared to the first district to the Board of Education.

Inspector Clark moved that the whole matter be postponed until the next meeting, and it was so ordered.

NEW SCHOOL LOTS.

Inspector Bonfield, from the same committee, reported that the Clerk be authorized to advertise for sealed bids for school lots between Twenty-eighth and Thirty-first and Wentworth and Wallace avenues, and that he have frontage of 150 feet, and the terms cash or city notes, and bids to be submitted before the next regular meeting.

The report was adopted.

PURCHASE OF LAWNS.

Inspector Bonfield, from the same committee, submitted a report recommending the purchase of lots 11, 19, 32, and 34, in east half of block 78, Canal Trustee's addition, of north half of section 21, 39, 14 east, 138 feet on Calumet avenue by 144 feet, for 150 per linear foot, or $450 per lot for school needs, and recommended that the Common Council authorize the purchase for cash at $150.

The report was adopted--yeas, 18; nays 1--Webb.

NEW ORDINANCE WANTED.

Inspector Bonfield, from the same committee, reported, requesting that the Clerk be authorized to advertise for proposals for a ordinance for the building on the corner of Morgan and Erie streets, and a school on the Desplaines street lot.

Inspector Clark moved that the report be laid on the table.

The motion was not agreed to--yeas, 5; nays, 9.

Inspector Hadley here moved that the report be laid, selecting the at 6 east of Paul's street, and Halsted, and Inspector Bonfield moved to amend by inserting a West which he himself rather than Halsted. They had an admirable plan--one which had not been surpassed in the school-house economy--that of the Hayes School. He then proceeded to speak at length in favor of the Forest Avenue and Lawrence street Schools, which were "all noble and beautiful structures." Mr. Comment Foot, said, Their roofs were falling in, the walls were a "disgrace to the neighborhood," and away from the lots. The rooms were poorly supported, and were "not fit for human beings to live in." Inspector Clark, Jr.--other schools were terrible inspected, and needed "nothing like them."

Inspector Clark moved that the Court House roof gave way situation was paid to

all day fully sustained. The roofs of the Forest Avenue School were "not fit for human beings to live in." The roofs of the Lawrence street Schools were "not fit for human beings to live in." The roofs of the Lawrence street Schools were "not fit for human beings to live in."

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